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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/496,983

02/02/2000

Mitsunobu Ono

P/16-253

6940

7590

05/05/2004

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

18

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/496,983

Applicant(s)

ONO ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Request for Continued Examination**

1. The request filed on 4/8/04 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/496,983 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. As per Applicants' instructions in Paper 17 as filed on 4/8/04, claim 1 has been amended.

### ***Response to Remarks/Argument***

3. Applicants' arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection, but taking different interpretation of the previous prior arts to reject the claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabe et al (4,845,555).

**Regarding claim 1**, Yabe et al discloses an endoscope apparatus, comprising:

a first drive signal generator (Fig. 10, 14) for generating a drive signal from a signal source (13) for driving an imaging device (9) removably connected to an endoscope (Fig. 10);

a video signal extracting portion (16) for obtaining a first video signal included in an imaging signal obtained in the imaging device (9);

a second drive signal generator (17) for generating a second drive signal for controlling a timing when the video extracting portion obtains the first video signal;

a first processor (19) that includes as part of the first processor and at least part of a circuit for obtaining from the first video signal, a second video signal that can be displayed on a monitor (3) and

a delay circuit (34), which is included as part of the first processor (2, 7) which is placed directly after the signal source (13) and the first drive signal generator (14), for delaying at least part of signals among signals included in the first drive signals (14) and the second drive signals (17).

The only difference between the Applicants' claimed invention and the Yabe et al's reference is that the delay circuit is partially interposed between the signal source and the first drive signal generator in Applicants' claim 1, whereas the delay circuit of Yabe et al is placed directly after the signal source (13) and the first drive signal generator.

Nevertheless, the end result (process) of the delay circuit relative to the endoscopic function is substantially the same in both the Applicants' claimed invention and the Yabe et al's reference.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope apparatus as taught by Yabe et al to simply replace the delay circuit to be partially interposed between the signal source and the first drive signal generator for delaying at least part of signals before the first drive signal as opposed to after the first drive signal, since the end result of delaying the signals are substantially the same.

**Regarding claim 2**, the Examiner takes official notice that DSP is an electronic component that is well known in the art.

**Regarding claims 3 and 5**, Yabe et al teaches a second processor for setting a delay time of the delay circuit (col. 3, lines 32-45).

Furthermore, the Examiner takes official notice that a delay circuit varying in its delay time, such as in a remote/manual/set controlled delay, is well known in the art.

**Regarding claims 6 and 7**, the Examiner takes official notice that setting a timer or an user manually specifying delay time on a conventional switches is well known in the art. Therefore, it is considered an obvious variation to specify delay time or to set information which the delay time can be derived, so that the second processor are able to set the delay time depending on the condition of the switch for correction of the line delay.

**Regarding claims 8 and 12**, Yabe et al teaches delay time being derived from information indicating length of an insert portion of the endoscope (col. 8, lines 51-55).

**Regarding claims 9 and 13**, Yabe et al discloses the information from which the delay time can be derived including ID information for identifying a type of endoscopes (col. 2, lines 5-20; col. 3, lines 36-40).

**Regarding claims 10 and 11**, an information acknowledgment portion, such as a typical (auto) confirmation signal, are considered an obvious feature, so that the second processor sets the delay time depending on information acknowledged from the information acknowledgment portion.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yabe et al as applied to claim 3 above, and further in view of Pasqualini (6,397,374 B1).

**Regarding claim 4**, Yabe et al fails to disclose the delay circuit comprising a multistage buffer circuit connected in series, and a circuit for selecting the number of stages of the buffer circuit.

However, Pasqualini teaches conventionally well known delay circuit comprising a multistage buffer circuit connected in series (Fig. 6), and a circuit for selecting the number of stages of the buffer circuit (col. 8, lines 52-67) in order to vary the delay timing.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope apparatus as taught by Yabe et al to incorporate the teaching of the delay circuit comprising a multistage buffer circuit connected in series, and the circuit for selecting the number of stages of the buffer circuit as taught by Pasqualini et al as an effective way to vary the delay time in order to correct line delay signal with an accuracy.

***Conclusion***

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).
9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

SHAWN S. AN  
PATENT EXAMINER

Primary Patent Examiner

4/30/04